

395, 387R and 413 Leslie Street - Official Plan and Zoning By-law Amendment Applications - Request for Direction Report

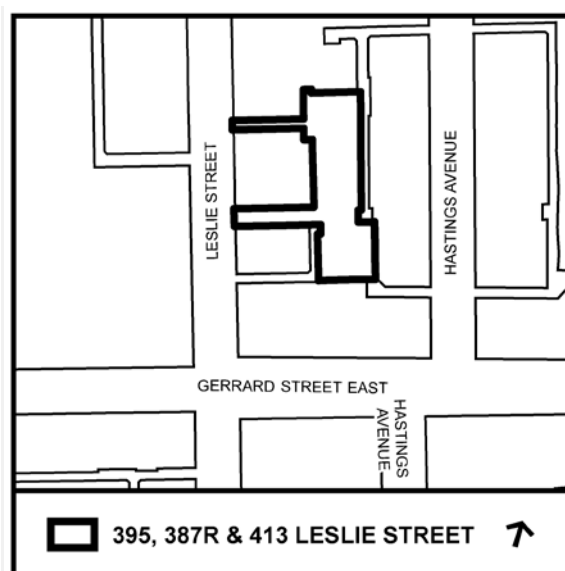
Date:	March 10, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	15 213190 STE 30 OZ

SUMMARY

A revised proposal for Official Plan and Zoning By-law amendment applications has been submitted for 395, 387R and 413 Leslie Street to permit fifteen 4-storey townhouse units. The site is located in the interior of a low-rise residential block at the northeast corner of Gerrard Street East and Leslie Street. The existing detached dwellings at 395 and 387R Leslie Street will be demolished. A total of 16 resident parking spaces (one of which is tandem) plus two visitor parking spaces (one of which is tandem) are proposed in the revision.

On June 14, 2016, Toronto and East York Community Council (TEYCC) considered staff reports that recommended the townhouse development be refused. Staff recommended the proposal for either an 18 unit or 16 unit townhouse development be refused.

On June 20, 2016 the applicant appealed the application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on their request for Official Plan and Zoning By-law Amendments applications.



On July 12, 2016 Toronto City Council refused the applications for Official Plan and Zoning By-law Amendments and authorized the City Solicitor with other appropriate staff to appear before the OMB in support of City Council's decision to refuse the application.

City Planning received a revised application on December 28, 2016. The revised development proposal reduces the number of townhouse units to 15. This report reviews the revised application to amend the Official Plan and the Zoning By-law, and recommends that City Council direct the City Solicitor and City staff, as appropriate, attend the OMB to oppose the applications in their present form.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing to oppose the Official Plan Amendment and Zoning By-law Amendment applications at 395, 387R and 413 Leslie Street.
2. City Council direct City Planning staff, in the event that the Ontario Municipal Board allows the appeal in whole or in part, to request that the Ontario Municipal Board withholds its Order(s) approving the applications until such time as the Ontario Municipal Board has been advised by the City Solicitor that:
 - a. the proposed Official Plan Amendment and Zoning By-law Amendments are in a form satisfactory to the Chief Planner and City Solicitor;
 - b. a holding provision is placed on the Zoning By-law Amendment until such time as the necessary infrastructure is available to service the proposed development; and
 - c. a Site Plan application has been made and a Site Plan Agreement has been entered into between the City and the owner.
3. City Council authorize the City Solicitor and necessary City staff to take such necessary steps, as required, to implement the foregoing.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

On June 14, 2016 Toronto and East York Community Council considered staff's recommendation to refuse the Official Plan Amendment and Zoning By-law Amendment applications for the lands at 395, 387R and 413 Leslie Street contained in Refusal and Supplementary Reports by the Director, Community Planning, Toronto and East York District, dated May 25, 2016 and June 10, 2016, respectively. The Refusal Report was based on plans showing sixteen 4-storey townhouse units. The Supplementary Report clarified the difference between the formal submission for an eighteen unit townhouse development and the electronic submissions for a sixteen unit townhouse development that the applicant had presented at a community consultation meeting. TEYCC adopted the staff recommendations which included authorizing the City Solicitor with other appropriate staff to appear before the OMB in support of the decision to refuse the applications.

On June 20, 2016 the applicant appealed the application to the Ontario Municipal Board OMB due to Council's failure to make a decision on their request for Official Plan and Zoning By-law Amendments applications.

On July 12, 2016 Toronto City Council adopted the TEYCC recommendation to refuse the applications for Official Plan and Zoning By-law Amendments and authorized the City Solicitor with other appropriate staff to appear before the OMB in support of City Council's decision.

On November 21, 2016 the OMB held a prehearing conference (PHC). At the PHC the applicant advised that they were in the process of preparing a resubmission which was expected to be filed in the near future, and before the end of 2016.

ISSUE BACKGROUND

Proposal

The initial proposal consisted of eighteen 4-storey townhouse units with a total gross floor area (GFA) of 3,589 m² and a density of 1.46 times the lot area. The applicant made an informal submission showing sixteen 4-storey townhouse units on March 17, 2016. This same proposal was presented to the public in a community meeting on April 7, 2016. Both the original submission and the revised drawings were the basis for the Refusal and Supplementary Reports at the June 14, 2016 meeting of TEYCC.

Subsequent to the PHC on November 21, 2016, the applicant submitted a revised proposal on December 28, 2016. The revised development proposes fifteen 4-storey townhouse units with a total gross floor area (GFA) of 3,342 m² and a density of 1.37 times the lot area. Access is provided by a private driveway off Leslie Street that turns into a combination private driveway, easement, and public laneway for vehicular and pedestrian access to individual units. Each of the units will have internal vehicular parking and two visitor parking spaces are proposed. There is a central loading area for solid waste removal and service vehicles.

For detailed information refer to Application Data Sheet, Attachment 5.

Site and Surrounding Area

The property is located in the interior of the residential block at the northeast corner of Gerrard Street East and Leslie Street. The property has a 7.6 metre frontage on Leslie Street and public laneways flank the south, east, and northwest sides of the site. The 2,460 m² site is uneven with a significant and pronounced change in elevation and a top-of-bank feature at the north end of the site. The site has two existing detached dwellings and an associated detached garage. There are three public laneways adjacent to the site but none of the laneways are connected.

Land uses and form of development surrounding the property include the following:

- North: The north end of the site abuts the rear yard of dwellings fronting on Harriet Street.
- East: The easterly side of the site abuts a public laneway and the rear of dwellings fronting on Hastings Avenue.
- West: The westerly side of the site abuts the rear yards of dwellings fronting on Leslie Street.
- South: The southerly side of the site abuts the rear yards of dwellings fronting on Gerrard Street East.

Ontario Municipal Board Appeal

On June 20, 2016, the City Clerk's Office received notification that the applicant filed an appeal of the Official Plan and Zoning By-law Amendment application to the OMB, citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*. The appeal was filed after TEYCC considered and recommended refusal of the application but before City Council refused the application. The OMB held a PHC on November 21, 2016. At the PHC the OMB was advised that the applicant was preparing a resubmission to the City which was expected to be filed by the end of 2016. A second PHC is scheduled for Tuesday, April 18, 2017.

Agency Circulation

A revised submission was received by Planning on December 28, 2016, and circulated to departments and agencies for comment. Comments received were sent to the applicant on March 10, 2017.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 and the Growth Plan for the Greater Golden Horseshoe (Growth Plan) are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. However, both the PPS and the Growth Plan state that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs.

Within this framework, the PPS recognizes that the Official Plan is the most important vehicle for implementing PPS requirements and that comprehensive, integrated and long term planning is best achieved through municipal official plans. The City's Official Plan meets the requirements of the PPS. In this instance the subject site is not located in an area identified for growth. In this respect, the revised development is also not consistent with the Provincial Policy Statement 2014.

The PPS also advises that appropriate development standards be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health or safety. The revised fifteen unit townhouse development does not conform to the development criteria and infill development criteria in *Neighbourhoods* and is thus not consistent with the way in which the Official Plan implements the PPS.

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The Growth Plan strives, among other things, to direct growth to areas of urban intensification. It requires municipalities to set minimum targets for population and employment growth.

The Growth Plan also directs growth to *urban growth centres, intensification corridors, major transit station areas, brownfield sites* and *greyfields* to provide as a key focus for transit and infrastructure investments to support future growth. This is not an area where the scale of intensification and built form proposed, is anticipated or appropriate. The proposal is not consistent with the way in which the Official Plan implements the Growth Plan. Based on this, the proposal does not conform to, and conflicts with, the Growth Plan.

Official Plan

The Official Plan identifies a land use structure of areas where intensification is appropriate and directs growth to certain areas of the City. The areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The growth areas are identified as the *Downtown, Centres, Avenues* and *Employment Districts*. The subject site is not in one of those areas.

The subject site is located in a *Neighbourhoods* designation where growth is not anticipated. While some change is generally anticipated over time, a key policy of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood. Criteria for evaluating development in *Neighbourhoods* is contained in 4.1.5 of the Official Plan which also specifies that no changes will be made through rezoning or other public action that are out of keeping with the physical character of the neighbourhood. The proposed 15-unit townhouse development is a change that is out of keeping with the physical character of the neighbourhood.

Criteria for infill development can be found in 4.1.9 of the Official Plan. The 15-unit townhouse development does not meet the policies specified in 4.1.9. An Official Plan amendment to permit a 15-unit townhouse development, despite 4.1.5 or 4.1.9, is not consistent with the general intent of the Official Plan. The requested amendment to the Official Plan is not appropriate.

Zoning By-law

The intent of zoning by-law provisions are to ensure a consistent lot pattern and provide for adequate separation between dwellings; maximum building height; sufficient private open amenity; consistency in the streetscape; and to prevent overlook and shadowing impacts. The requested changes to the zoning by-law standards would permit a development that does not comply with the general intent of the Official Plan.

Height, Massing and Location

The revised development reduces the number of townhouse units to 15 and does not construct on the top-of-bank feature. The total gross floor area (GFA) has been reduced from 3,480 m² to 3,342 m² and the density from 1.41 to 1.36 times the lot area. The proposed development is oriented into two townhouse blocks separated by a service and visitor parking area.

Existing dwellings in the surrounding neighbourhood generally reflect the zoning by-law height limit of 10 metres. The revised development requests an increase in height to 12.85 or 13.5 meters depending on the By-law. The request to increase the permitted height will have a negative impact on the amenity of adjacent residential properties due to issues related to massing, overlook, and privacy. Because the subject property is at an elevated grade the impacts will be exacerbated. Properties fronting on Hastings will be most affected. The cumulative massing of 15 townhouse units, 12.85 or 13.5 meters high, at an elevated grade, approximately 6 meters from the private amenity areas of adjacent properties would be out of keeping with the character of the existing neighbourhood.

Access and Parking

Development Infrastructure and Policy Standards (DIPS) – November 2005, indicates that new streets should be public and provides appropriate design standards for the creation of new streets. Private driveways create concerns at both the policy and the operational levels. In the event a private driveway (or mews) is proposed then the

development must comply with the standards prescribed in DIPS to ensure functionality and access to services.

The proposed development contemplates a 7.6 metre wide T-shaped pedestrian and vehicular access from Leslie Street whereas a minimum 8.0 meters is required for two-way traffic. The development proposes a combined private driveway, public laneway, and easement that is less than 6.0 metres. There is a small parcel of land labelled as "Land to be claimed" in front of Unit 12 which creates a pinch point of less than the 6.0 meters required.

The driveway provides access to integral garages located in front of the fifteen townhouse units. The proposed driveway configuration is insufficient for service vehicles to manoeuvre without reversing in front of the proposed units. Service vehicles accessing units 14 and 15 have to reverse the length of 8 residential units creating a hazardous situation.

The proposed development will have two visitor parking spaces one of which is tandem. The tandem visitor parking may be unusable due to seasonal snow removal and is not acceptable. Because the proposal does not comply with DIPS the development will not have adequate: fire access, solid waste pick-up, servicing vehicles, and appropriate pedestrian walkways.

Orientation

The Design Guidelines for Infill Townhouses apply wherever townhouses are considered to be an appropriate form. The intent of the Townhouse Guidelines is to provide guidance for high quality design. Design criteria include units facing residential units (front-to-front orientation) and a minimum unit width of 6.0 meters. The proposed 15-unit townhouse development will face the rear private amenities of properties on Leslie Street (front-to-back orientation) and unit widths less than 6.0 meters. The proposed front-to-back orientation impacts the privacy of properties on Leslie Street.

The Townhouses Guidelines prescribe a minimum unit width of 6.0 meters for functionality and to ensure high quality design. The proposed widths vary between 4.6 meters to 10.2 meters wide. Only units 14 and 15 are wider than the 6.0 meter width prescribed in the Townhouses Guidelines. The other 13 units vary from 4.6 to 5.0 meters wide.

Servicing and Hydrogeology

Staff are concerned with the quality, quantity, and method of groundwater discharge and management. City staff have determined that the applicant's hydrogeological and site servicing information is incomplete and on-site storage may be required. In the event the OMB allows the appeal, staff will request that a holding provision be placed on the Zoning By-law Amendment until such time as the necessary infrastructure is available.

Site Plan

A site plan control application has not been submitted at the time of writing this report. In the event the OMB approves any form of development on the site, City Council should request that the final order be withheld pending issuance of the Notice of Approval Conditions for the site plan control application.

CONCLUSION

Notwithstanding the revisions and attempt to address the technical issues, the proposed development is substantially similar to the previous proposals with respect to the height, massing, access, orientation, location, and contextual appropriateness.

The proposed development is not consistent with the general intent of the City of Toronto Official Plan and other applicable standards. Staff recommend that City Council authorize the City Solicitor and appropriate staff to attend the OMB in opposition to the proposal for the reasons set out in this report.

CONTACT

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SIGNATURE

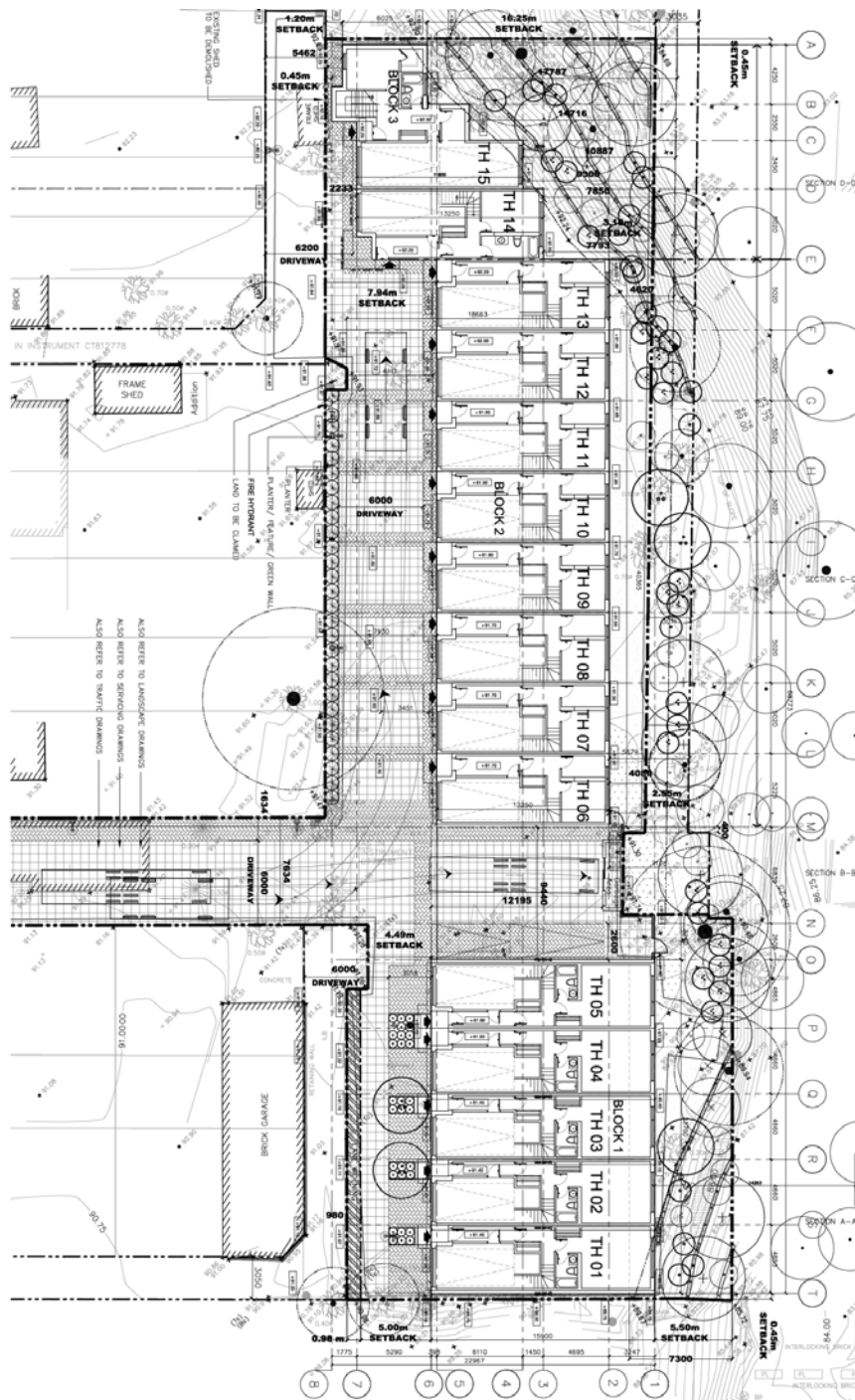
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a: North Elevation
Attachment 2b: East Elevation
Attachment 2c: South Elevation
Attachment 2d: South Elevation
Attachment 2e: West Elevation
Attachment 3: Application Data Sheet

Attachment 1: Site Plan



Site Plan (2)

395 Leslie Street

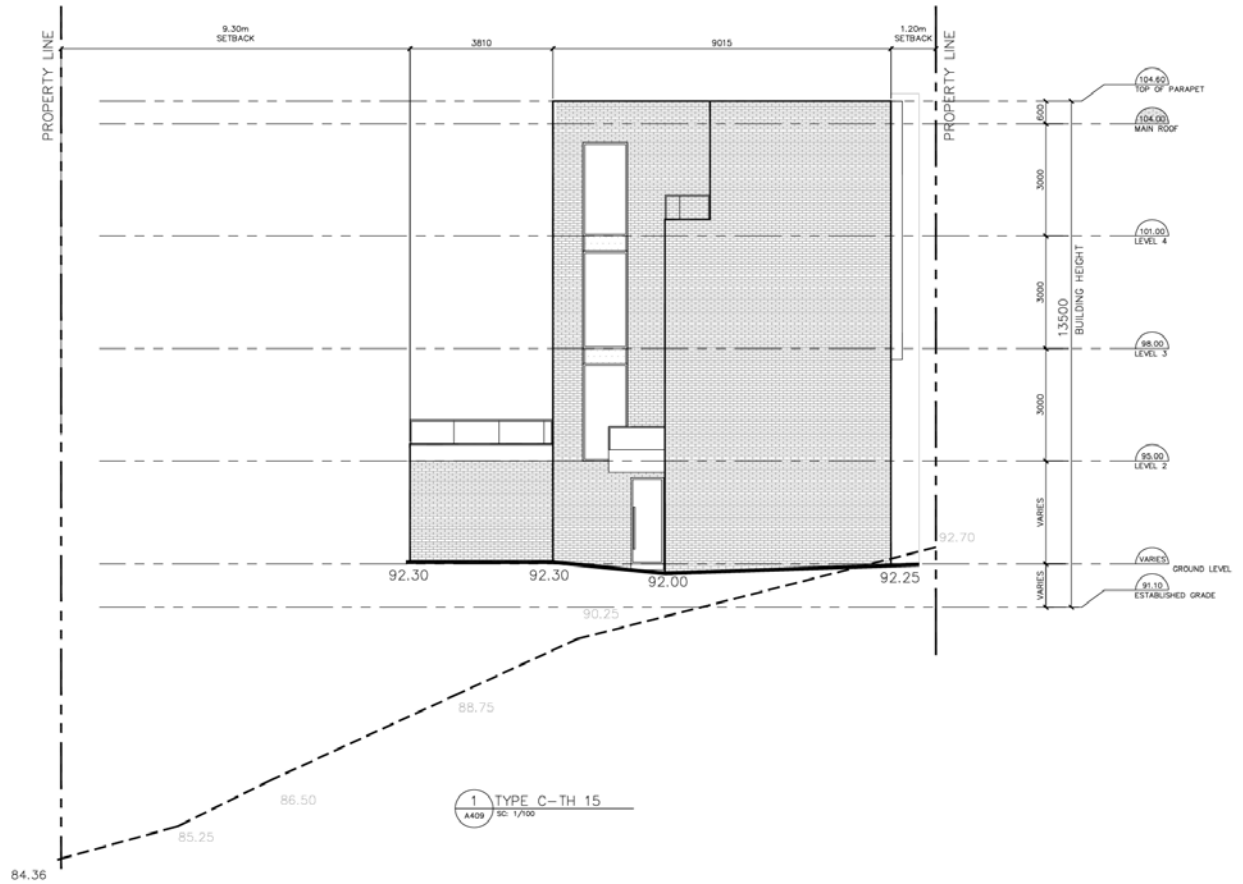
Applicant's Submitted Drawing

Not to Scale
02/17/2017



File # 15 213190 STE 30 0Z

Attachment 2a: North Elevation



North Elevation -Type C

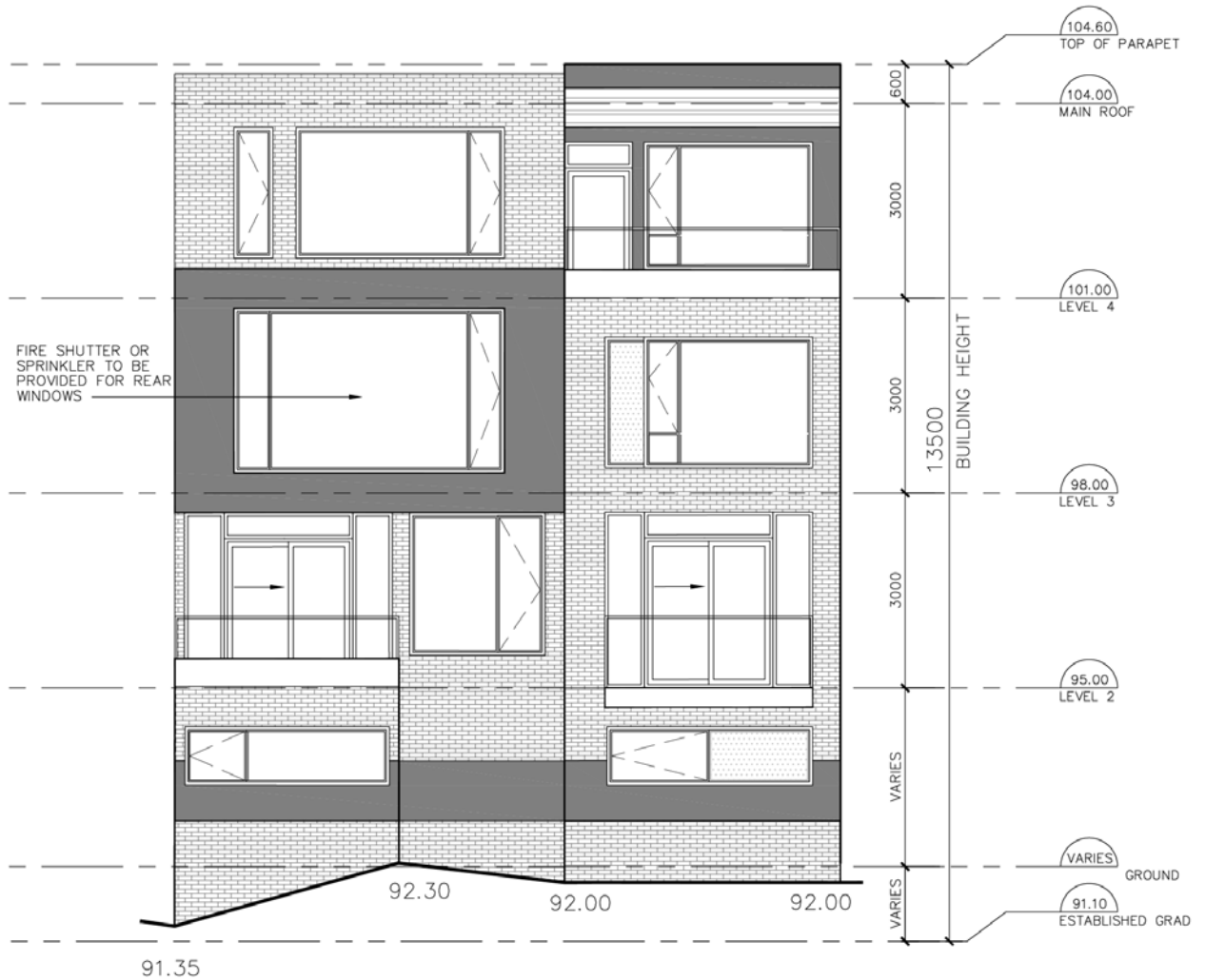
Applicant's Submitted Drawing

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02/17/2017

395 Leslie Street

File # 15 213190 STE 30 0Z

Attachment 2b: East Elevation



East Elevation -Type C

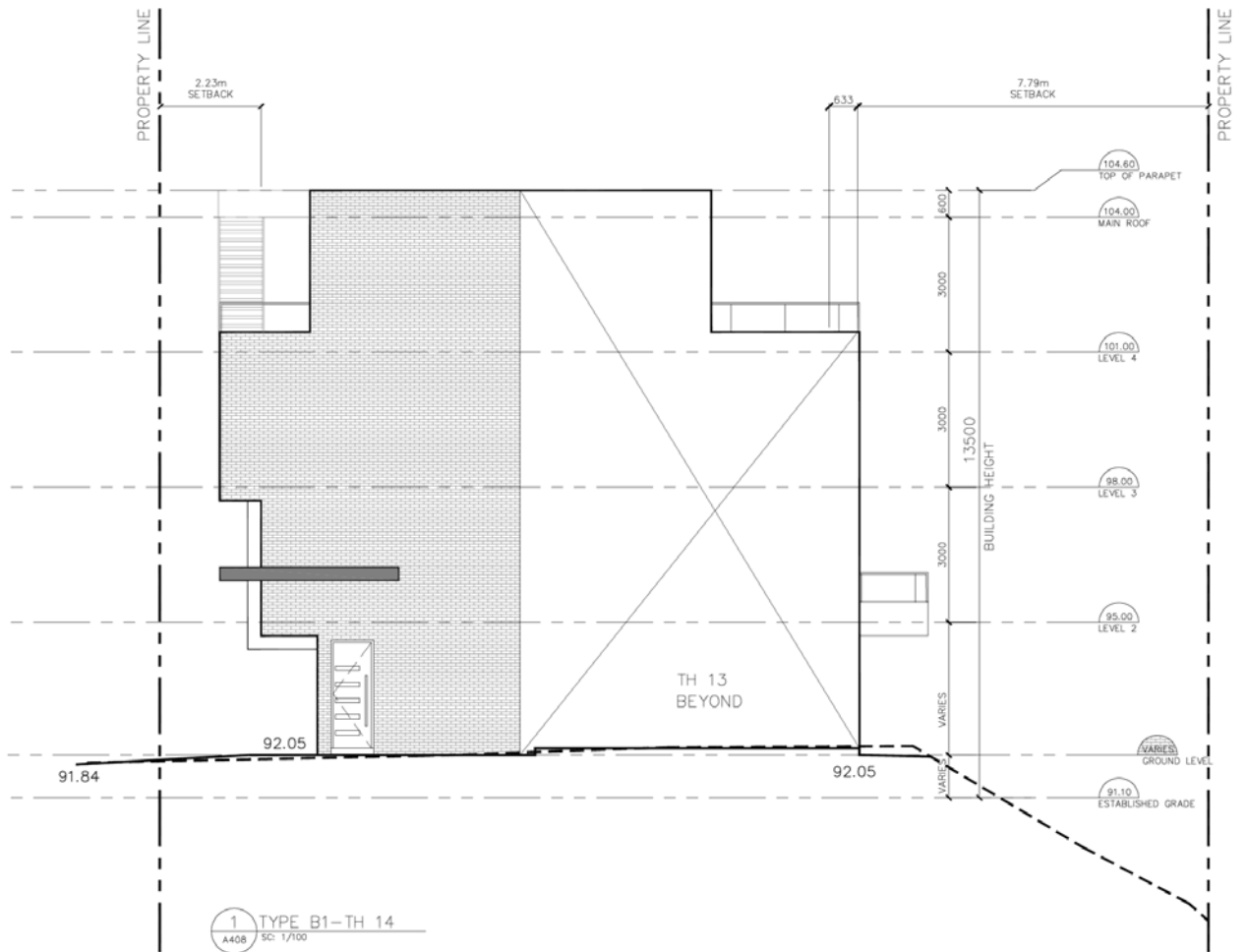
Applicant's Submitted Drawing

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02/17/2017

395 Leslie Street

File # 15 213190 STE 30 0Z

Attachment 2c: South Elevation



South Elevation -Type B1

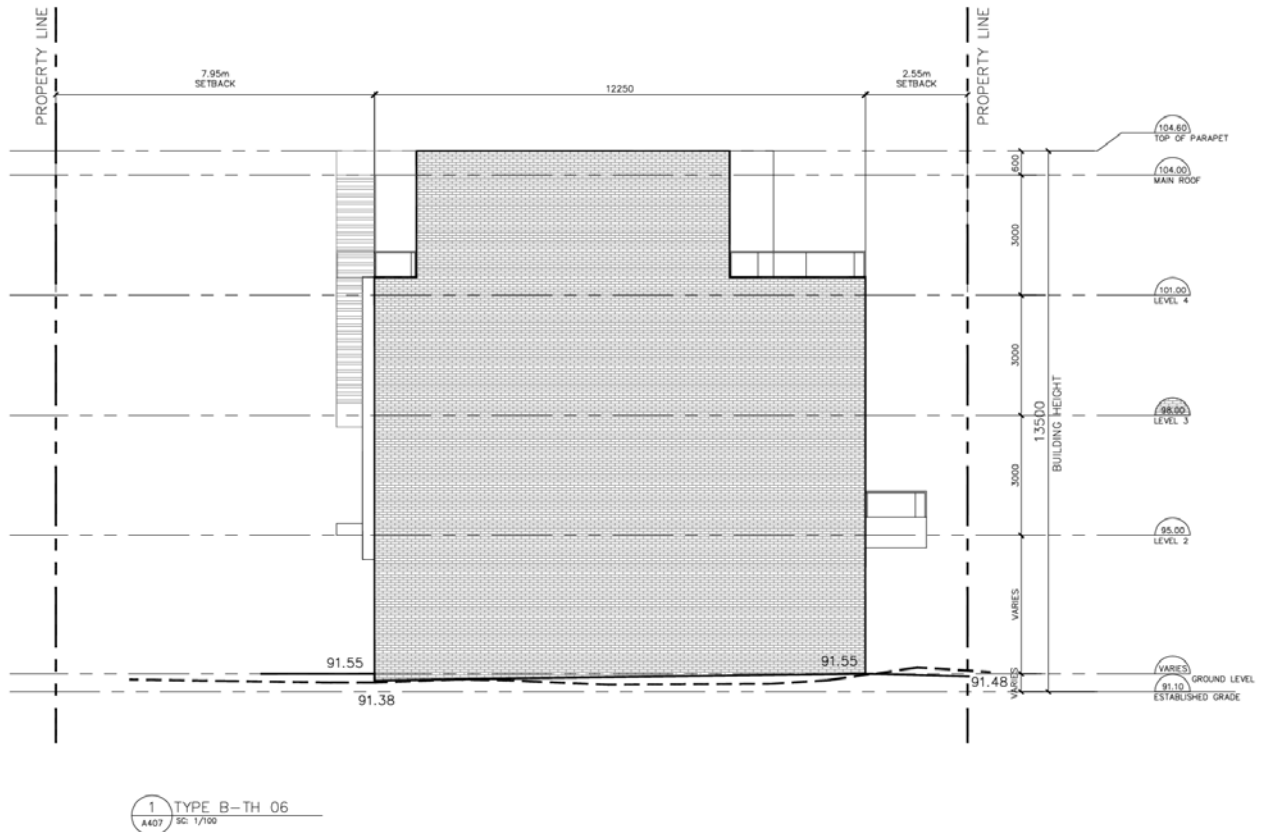
Applicant's Submitted Drawing

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02/17/2017

395 Leslie Street

File # 15 213190 STE 30 0Z

Attachment 2d: South Elevation



South Elevation -Type B

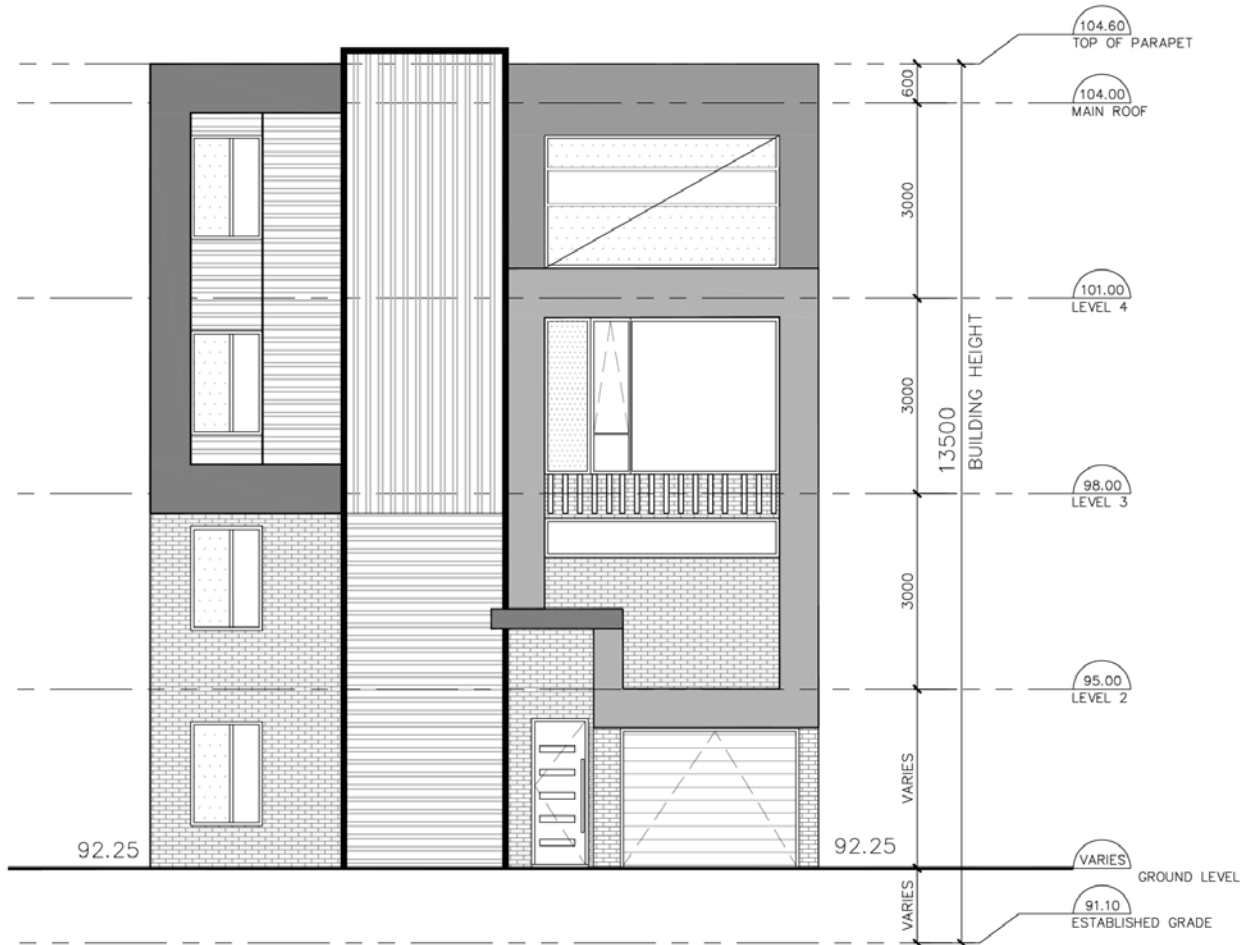
Applicant's Submitted Drawing

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02/17/2017

395 Leslie Street

File # 15 213190 STE 30 0Z

Attachment 2e: West Elevation



West Elevation - Type C

Applicant's Submitted Drawing

Not to Scale
02/17/2017

395 Leslie Street

File # 15 213190 STE 30 0Z

Attachment 3: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	15 213190 STE 30 OZ
Details	OPA & Rezoning, Standard	Application Date:	August 26, 2015

Municipal Address: 395, 387R and 413 LESLIE STREET

Location Description: PLAN 676 PT LOT 11 **GRID S3009

Project Description: The proposed development consists of fifteen (15) 4-storey townhouses comprising a total of 3,342 square metres on the subject site and a density of approximately 1.37 FSI. Each unit will contain three bedrooms and contain one parking space in an integral garage. Access will be provided by way of a private lane that will run along 395 Leslie Street.

Applicant:	Agent:	Architect:	Owner:
ANDREW FERANCIK		A & Associate Architects Inc.	LESLIE MEWS INC.

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R (d0.6) (x741)	Historical Status:	
Height Limit (m):	10	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2460	Height:	Storeys:	4
Frontage (m):	7.6		Metres:	12.85m & 13.5m
Depth (m):	66			

Total Ground Floor Area (sq. m):		Total
Total Residential GFA (sq. m):	3342	Parking Spaces: 16 (+2 tandem)
Total Non-Residential GFA (sq. m):	0	Loading Docks 1 (undersized)
Total GFA (sq. m):	3342	
Lot Coverage Ratio (%):		
Floor Space Index:	1.37	

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condominium		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	3342	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	15	Institutional/Other GFA (sq. m):	0	0
Total Units:	15			

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